

DEBORAH BANKS,)
)
Plaintiff,)
)
v.) No. 4:05-CV-1813 CAS
)
NATIONAL PERSONNEL RECORDS)
CENTER, et al.,)
)
Defendants.)

This matter is before the Court on review of the file. Defendant National Archives and Records Administration (“NARA”) has filed a motion to dismiss or in the alternative for summary judgment, which is now fully briefed and awaiting disposition by the Court. The memorandum in support of NARA’s motion is accompanied by six multi-page exhibits. At least five pages of the documents contained within NARA’s Exhibits 2 and 3 include personal data identifiers, including the birth dates and social security numbers of non-parties to this action.¹

¹NARA should carefully check its exhibits to find all personal data identifiers contained therein. There may be more instances than the five pages the Court has found. It does appear to the Court that plaintiff redacted personal data identifiers in documents she submitted with her opposition to the motion to dismiss or for summary judgment.

personal privacy and other legitimate interests. The Administrative Order applies to all pleadings filed on and after April 16, 2003 and states in pertinent part:

IT IS HEREBY ORDERED that parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers in civil pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

- a. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number may be used.
- b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child may be used.
- c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year may be used.
- d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers may be used.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the non-public record, subject to the provisions of Local Rule 13.05. The court may, however, still require the party to file a redacted copy of the document for the public file.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not be required to review each pleading for compliance with this policy.

. . . .

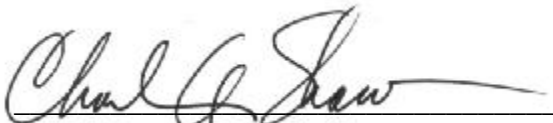
The exhibits filed by NARA in support of its motion do not comply with the Administrative Order of April 8, 2003 and the E-Government Act of 2002. The Court has ordered the Clerk to restrict access to Document 18 to protect the privacy of the individuals whose personal data identifiers are included in the exhibits. The government will be ordered to refile the memorandum

in support of its motion to dismiss or in the alternative for summary judgment with redacted exhibits. Upon that filing, the Court will direct the Clerk of the Court to delete the original, unredacted version of the government's memorandum in support and exhibits, and replace it with the redacted version. The Court's Order does not give rise to any substantive change in the record, and the government's filing of a redacted version of its memorandum in support and exhibits will not require further response to the motion to dismiss or for summary judgment by any party.

Accordingly,

IT IS HEREBY ORDERED that by **May 24, 2006**, the government shall refile its Memorandum in Support of Motion to Dismiss, or in the Alternative, for Summary Judgment [Doc. 18], together with all exhibits thereto, and shall redact from the motion and exhibits all personal data identifiers, as required by the Administrative Order of April 8, 2003 and the E-Government Act of 2002. Apart from the required redaction of personal data identifiers, the government shall not make any other changes in the memorandum or exhibits thereto, and shall maintain the original signature date of March 7, 2006 on the memorandum in support.

IT IS FURTHER ORDERED that the government shall file its redacted Memorandum in Support of Motion to Dismiss, or in the Alternative, for Summary Judgment, together with the redacted exhibits, **as attachments to a document** which shall be entitled "Memorandum to Court in Response to Order."


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 17th day of May, 2006.